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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,093	05/06/2005	Stephen C.P Joseph	57862US002	2416
32692 7590 09/11/2007 3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427			EXAMINER CERNOCH, STEVEN MICHAEL	
			ART UNIT 3709	PAPER NUMBER
			NOTIFICATION DATE 09/11/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

LegalUSDocketing@mmm.com
LegalDocketing@mmm.com

Office Action Summary

Application No.

10/534,093

Applicant(s)

JOSEPH ET AL.

Examiner

Steven M. Cernoch

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/23/05, 7/7/05, 12/1/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. In response to the Preliminary Amendment filed on May 6, 2006, claim 1-47 are pending.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the hook 338, the lid is permanently secured to the container by welding or adhesively bond, and the base, side wall and end wall are permanently joined together must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. In addition, the drawings are also objected to as failing to comply with 37 CFR 1.84(p)(4) because reference number "11" of the collar in Fig. 8 should be recited as -- 111--, so as to clarify the confusion.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

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be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 13, 15, 17-19, 21, 22, 33, 34, 36, 37, 40-42, 44 and 45 rejected under 35 U.S.C. 102(b) as being anticipated by Lintvedt (US Pat. No. 5,143,294).

Regarding claim 1, figure 2 of Lintvedt et al. teaches the liquid supply assembly (16) for use with spraying apparatus (10) comprising a reservoir (20) which having a first end, a second end spaced from the first end, an end wall at the first end, a side wall extending from the end wall to the second end, the end wall having a spout providing a fluid outlet (14), the spout being connectable to a spray gun for connecting the reservoir to a fluid inlet (10, 14), the spout is provided by a cap member releasably secured (30, 32, 14) around an opening (20) of the second end (column 1, lines 61-63), a marginal edge of the opening is spaced inwardly from the side wall at the first end, and the reservoir can be detached from the cap member (26, 30, 32).

Regarding claim 2, Lintvedt et al. discloses the opening in the end wall (column 1, lines 60-65) which is oversize relative to the spout (20, 14).

Regarding claim 3, Lintvedt et al. discloses the collapsible reservoir with lines 55-58 in column 1 of the background of the invention.

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Regarding claim 13, Lintvedt et al. teaches said screw-fit cap member (column 1, lines 63-65).

Regarding claim 15, Lintvedt et al. discloses said cap member, which comprises a base defining a socket with an internal screw thread, engageable with an externally threaded spigot bounding the opening in the reservoir (26, 30 and 32).

Regarding claims 17-19, 21 and 22, the teaching of Lintvedt et al. teaches that the spout has a diameter less than half the diameter of the opening (regarding to claim 17), or less than a third of the diameter of the opening (regarding to claim 18), or less than a quarter of the diameter of the opening (regarding to claim 19), or the reservoir has a central longitudinal axis and the opening is located centrally on the longitudinal axis (regarding claim 21), or the spout is coaxial with the opening (regarding claim 22) (14, 28 and 20 of figure 2).

Regarding claims 33, 34 and 36, Lintvedt et al. discloses that the opening is sealed (regarding to claim 33) using a removable closure (regarding to claim 34), or the cap member is adapted to seal the opening until it is desired to use the liquid (regarding to claim 36)(column 3, lines 29-31).

Regarding claim 37, Lintvedt et al. discloses the cap member provided with a removable element to close the spout (34 and 26 of figure 3).

Regarding claim 40, figure 1 of Lintvedt et al. teaches the cap member with a base (26) and a spout (14), the cap member being releasably secured to the reservoir by engagement of complementary screw threads on the base and on the end wall around the opening (30 and 32), and the spout extends from the base away from the reservoir (20), the spout providing a fluid outlet of reduced cross-section relative to the opening (14 and 20).

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In regards to claim 41, Lintvedt et al. discloses the collapsible reservoir (column 1, lines 55-58).

Regarding claim 42, Lintvedt et al. teaches that the reservoir has a central longitudinal axis and the opening and spout are arranged coaxially with respect to the longitudinal axis (14, 28 and 20).

In regards to claim 44, figure 1 of Lintvedt et al. discloses that the opening is oversize relative to the flow requirements when the reservoir is connected to the spray gun in use (20), and the fluid outlet provided by the spout is of reduced cross-section relative to the opening (14 and 20), wherein the opening permits fast-filling of the reservoir when the cap member is detached from the reservoir for adding fluid to the reservoir through the opening (26 and 20).

Regarding claim 45, Lintvedt et al. discloses the collapsible reservoir (column 1, lines 55-58).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 20 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lintvedt et al. (US Pat No 5,143,294).

Regarding to claim 20 and 43, Lintvedt et al. teaches all the limitations of the claim except for the opening dimensions of 50-60 mm and the spout diameter of 10-15 mm (regarding to claim 20) or the cap member being releasably connectable to the spray gun by means requiring less than one complete turn (regarding to claim 43) as required. However, such features of the opening dimensions of 50-60 mm and the spout diameter of 10-15 mm, or the cap member being releasably connectable to the spray gun by means requiring less than one complete turn are considered arbitrary obvious design choices, because Applicant has not disclosed that the reservoir opening of 50-60 mm and the spout diameter of 10-15 mm, or the reservoir opening of the cap member being releasably connectable to the spray gun by means requiring less than one complete turn provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either the claimed dimensions or the dimensions of Lintvedt et al. Therefore, it would have been an obvious matter of design choice to modify the device of Lintvedt et al. to obtain the invention as specified in claim 20 or 43 of the instant application.

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7. Claims 4-8, 11, 14, 23-27, 30-32, 35, 46 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lintvedt et al. (US Pat No 5,143,294) in view of Joseph et al. (PCT Pub No WO 98/32539)(hereinafter as Joseph et al.'39).

Regarding to claim 4, Lintvedt et al. does not disclose the sidewall being flexible in comparison to the end wall so as to be capable of deforming to collapse the reservoir in an axial direction from the second end towards the first end. However, Joseph et al.'39 discloses such features of disclose the sidewall being flexible in comparison to the end wall so as to be capable of deforming to collapse the reservoir in an axial direction from the second end towards the first end (13 and 15 in fig. 7 and page 9, lines 3-6). Therefore, it would have been obvious at the time of the invention to a person having ordinary skill in the art to modify the apparatus of Lintvedt et al. with the sidewall being flexible in comparison to the end wall so as to be capable of deforming to collapse the reservoir in an axial direction from the second end towards the first end as taught by Joseph et al.'39. The motivation to combine is a flexible reservoir is known in the art.

Regarding to claim 5, Lintvedt et al. does not teach that the reservoir is provided with a comparatively-rigid base at the second end such that the reservoir can be inverted and stood on the base for adding liquid through the opening in the end wall. However, Joseph et al.'39 teaches disclose such limitations of the reservoir is provided with a comparatively-rigid base at the second end such that the reservoir can be inverted and stood on the base for adding liquid through the opening in the end wall (1 and 11 in fig. 5 and page 9, lines 3-6) are old and well known. Thus, it would have been obvious at the time of the invention to a person having ordinary skill in the art to modify the apparatus of Lintvedt et al. with the reservoir is provided

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with a comparatively-rigid base at the second end such that the reservoir can be inverted and stood on the base for adding liquid through the opening in the end wall taught by Joseph et al.'39. The motivation to combine is a flexible reservoir is known in the art.

Regarding to claims 6 and 7, Lintvedt et al. does not disclose that the reservoir is formed in one piece and that the base and sidewall are formed in one piece with the end wall being formed as a separate piece that is secured to the sidewall. However, Joseph et al.'39 discloses such limitations of the reservoir is formed in one piece and that the base and sidewall are formed in one piece with the end wall being formed as a separate piece that is secured to the sidewall (15 and 13 of fig. 2, and page 9, lines 6-8). Therefore, it would have been obvious at the time of the invention to a person having ordinary skill in the art to modify the apparatus of Lintvedt et al. with the reservoir is formed in one piece and that the base and sidewall are formed in one piece with the end wall being formed as a separate piece that is secured to the sidewall taught by Joseph et al.'39. The motivation to combine is a flexible reservoir is known in the art.

Regards to claim 8, Lintvedt et al. does not disclose that the base and side wall form an open topped container and the end wall forms a lid for the container. However, Joseph et al.'39 teaches such features of the base and the side wall form an open topped container and the end wall forms a lid for the container (13 and 15 of Fig. 2). Therefore, it would have been obvious at the time of the invention to a person having ordinary skill in the art to modify the apparatus of Lintvedt et al. with the base and side wall form an open topped container and the end wall forms a lid for the container taught by Joseph et al.'39. The motivation to combine is a flexible reservoir is known in the art.

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Regarding to claim 11, it is noted that Lintvedt et al. does not disclose that the lid is releasably secured to the container. However, Joseph et al.'39 discloses such limitation of the lid is releasably secured to the container (page 16, line 3-5).

Regarding to claim 14, Lintvedt et al. does not teach that the cap member is a snap-fit on the reservoir, however, Joseph et al.'39 does disclose the claimed limitation of the cap member is a snap-fit on the reservoir (page 12, lines 15-20). Therefore, it would have been obvious at the time of the invention to a person having ordinary skill in the art to modify the apparatus of Lintvedt et al. with the cap member as a snap-fit on the reservoir taught by Joseph et al.'39. The motivation to combine is a flexible reservoir is known in the art.

Regarding to claim 23, Lintvedt et al. does not specifically disclose that the cap member is releasably connectable to the spraying apparatus, however, Joseph et al.'39 teaches such claimed limitation of the cap member is releasably connectable to the spraying apparatus (page 16, line 3-5). Therefore, it would have been obvious at the time of the invention to a person having ordinary skill in the art to modify the apparatus of Lintvedt et al. with the cap member is releasably connectable to the spraying apparatus taught by Joseph et al.'39. The motivation to combine is a flexible reservoir is known in the art.

Regards to claim 24, Lintvedt et al. discloses that the spraying apparatus is provided with co-operating bayonet type formations (column 3, lines 34-37) but does not disclose the bayonet formations of the cap member. However, Joseph et al.'39 teaches such limitation of the bayonet formations of the cap member (page 8, lines 17-19 and 26-30). Therefore, it would have been obvious at the time of the invention to a person having ordinary skill in the art to modify the

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apparatus of Lintvedt et al. with the bayonet formations of the cap member taught by Joseph et al.'39. The motivation to combine is bayonet formations are known in the art.

Regarding to claims 25-27, Lintvedt et al. does not disclose that the spraying apparatus is provided with a socket to receive the spout and the bayonet type formations are engage able to retain the spout in the socket, that the bayonet type formations are engage able within the socket, and that the spout is provided with opposed bayonet lugs at the free end that are received in bayonet grooves in the socket as required. However, Joseph et al.'39 discloses that such features of the spraying apparatus is provided with a socket to receive the spout and the bayonet type formations are engage able to retain the spout in the socket, that the bayonet type formations are engage able within the socket, and that the spout is provided with opposed bayonet lugs at the free end that are received in bayonet grooves in the socket (11, 18, 20 21, 22 and 23 of Fig. 4, and page 8, lines 17-19 and 26-30) are old and well known. Therefore, it would have been obvious at the time of the invention to a person having ordinary skill in the art to modify the apparatus of Lintvedt et al. with the spraying apparatus is provided with a socket to receive the spout and the bayonet type formations are engage able to retain the spout in the socket, that the bayonet type formations are engage able within the socket, and that the spout is provided with opposed bayonet lugs at the free end that are received in bayonet grooves in the socket taught by Joseph et al.'39. The motivation to combine is that bayonet formations are known in the art.

Regards to claim 30, Lintvedt et al. does not teach that the cap member includes a filter for removing any unwanted solid particles contained in the liquid withdrawn from the reservoir. However, Joseph et al.'39 teaches such claimed limitations of the cap member includes a filter for removing any unwanted solid particles contained in the liquid withdrawn from the reservoir

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(42 and 45 in Fig. 16). Therefore, it would have been obvious at the time of the invention to a person having ordinary skill in the art to modify the apparatus of Lintvedt et al. with the cap member includes a filter for removing any unwanted solid particles contained in the liquid withdrawn from the reservoir taught by Joseph et al.'39. The motivation to combine is a filter is known in the art.

Regarding to claim 31, Lintvedt et al. does not disclose that the filter is located in the spout, however, Joseph et al.'39 broadly disclose such claimed limitations of the filter is located in the spout (42 and 45 of Fig. 17). Therefore, it would have been obvious at the time of the invention to a person having ordinary skill in the art to modify the apparatus of Lintvedt et al. with the filter is located in the spout taught by Joseph et al.'39. The motivation to combine is a filter is known in the art.

Regards to claim 32, Lintvedt et al. does not teach that the filter is located in the cap member to extend across the inner end of the spout as required, however, Joseph et al.'39 discloses the filter is located in the cap member to extend across the inner end of the spout (42 and 45 of fig. 15). Therefore, it would have been obvious at the time of the invention to a person having ordinary skill in the art to modify the apparatus of Lintvedt et al. with the filter is located in the cap member to extend across the inner end of the spout taught by Joseph et al.'39. The motivation to combine is a filter is known in the art.

Regards to claim 35, Lintvedt et al. does not disclose that the cap member is adapted to rupture the membrane, however, Joseph et al.'39 does disclose the cap member is adapted to rupture the membrane (page 15, lines 11-12). Therefore, it would have been obvious at the time of the invention to a person having ordinary skill in the art to modify the apparatus of Lintvedt et

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al. with the cap member is adapted to rupture the membrane taught by Joseph et al.'39. The motivation to combine is a rupturable membrane is known in the art.

Regards to claim 46, Lintvedt et al. does not teach that the reservoir has a base at the second end and is free-standing on the base as required. However, Joseph et al.'39 teaches that the reservoir has a base at the second end and is free-standing on the base (page 9, lines 3-5). Therefore, it would have been obvious at the time of the invention to a person having ordinary skill in the art to modify the apparatus of Lintvedt et al. with the reservoir has a base at the second end and is free-standing on the base taught by Joseph et al.'39. The motivation to combine is a flexible reservoir is known in the art.

Regarding to claim 47, Lintvedt et al. teaches the base, sidewall and end wall being permanently joined together (20 of Fig. 1).

8. Claims 9, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lintvedt et al. (US Pat No 5,143,294) in view of Joseph et al. (PCT Pub No WO 98/32539)(hereinafter as Joseph et al.'39) and further in view of Joseph et al. (PCT Pub No WO02/085533)(hereinafter as Joseph et al.'33).

Regarding to claim 9, the teachings of Lintvedt et al. and Joseph et al.'39 do not specifically disclose that the lid is permanently secured to the container as required. However, Joseph et al.'33 broadly disclose that such feature of the lid is permanently secured to the container (page 29, lines 12-14). Thus, it would have been obvious at the time of the invention to a person having ordinary skill in the art to modify the apparatus of Lintvedt et al. and Joseph

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et al.'39 with the lid is permanently secured to the container taught by Joseph et al.'33. The motivation to combine is a flexible reservoir is known in the art.

Regards to claim 10, the teachings of Lintvedt et al. and Joseph et al.'39 do not explicitly teach that the lid is welded or adhesively bonded to the container, however, Joseph et al.'33 discloses that the claimed limitations the lid is welded or adhesively bonded to the container (page 6, lines 11-12). Therefore, it would have been obvious at the time of the invention to a person having ordinary skill in the art to modify the apparatus of Lintvedt et al. and Joseph et al.'39 with the lid is welded or adhesively bonded to the container taught by Joseph et al.'33. The motivation to combine is a lid is known in the art.

Regards to claim 12, Lintvedt et al. and Joseph et al.'39 do not show that the lid is clamped to the container as required, however, Joseph et al.'33 teaches that that the lid is clamped to the container (page 6, lines 12-14). Hence, it would have been obvious at the time of the invention to a person having ordinary skill in the art to modify the apparatus of Lintvedt et al. and Joseph et al.'39 with the lid is clamped to the container taught by Joseph et al.'33. The motivation to combine is a lid is known in the art.

9. Claims 16, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lintvedt et al. (US Pat No 5,143,294) in view of Joseph et al. (PCT Pub No WO 98/32539)(hereinafter as Joseph et al.'39) in further view of Petrie et al. (US Pat No 6,595,441).

Regarding to claim 16, the teachings of Lintvedt et al. and Joseph et al.'39 do not disclose that the opening in the reservoir has an internal screw thread and the cap member has a base provided with an externally threaded portion engage able with the internal screw thread as

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required. However, Petrie et al. discloses such claimed limitations of the opening in the reservoir has an internal screw thread and the cap member has a base provided with an externally threaded portion engage able with the internal screw thread (11, 36 and 34 of Fig. 3). Therefore, it would have been obvious at the time of the invention to a person having ordinary skill in the art to modify the apparatus of Lintvedt et al. and Joseph et al.'39 with the reservoir has an internal screw thread and the cap member has a base provided with an externally threaded portion engage able with the internal screw thread taught by Petrie et al. The motivation to combine is a flexible reservoir is known in the art.

Regarding to claim 28, Lintvedt et al. and Joseph et al.'39 do not teach that the bayonet type formations are engage able externally of the socket, however, Petrie et al. broadly discloses the claimed limitations of the bayonet type formations are engage able externally of the socket (34 and 45 of Fig. 2). Therefore, it would have been obvious at the time of the invention to a person having ordinary skill in the art to modify the apparatus of Lintvedt et al. and Joseph et al.'39 with the bayonet type formations are engage able externally of the socket taught by Petrie et al. The motivation to combine is bayonet formations are known in the art.

Regarding to claim 29, the teachings of Lintvedt et al. and Joseph et al.'39 do not disclose that the socket has an external flange co-operable with a pair of hook members extending from the cap member on opposite sides of the spout as required. However, Petrie et al. teaches the socket has an external flange co-operable with a pair of hook members extending from the cap member on opposite sides of the spout (34, 48, 49, 50, 52 and 54 of Fig. 3). Therefore, it would have been obvious at the time of the invention to a person having ordinary skill in the art to modify the apparatus of Lintvedt et al. and Joseph et al.'39 with the socket has

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an external flange co-operable with a pair of hook members extending from the cap member on opposite sides of the spout taught by Petrie et al. The motivation to combine is a socket with hook members is known in the art.

10. Claims 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lintvedt et al. (US Pat No 5,143,294) in view of Joseph et al. (PCT Pub No WO98/32539) in further view of Holzner et al. (US Pat No 5,421,489).

Regarding claim 38, it is noted that the teachings of Lintvedt et al. and Joseph et al.'39 do not disclose the rupturable membrane provided across the outer end of the spout as required. However, the teaching of Holzner et al. discloses that such feature of the rupturable membrane provided across the outer end of the spout (column 1, lines 21-22) is old and well known. Hence, it would have been obvious at the time of the invention to a person having ordinary skill in the art to modify the apparatus of Lintvedt et al. and Joseph et al.'39 with the rupturable membrane provided across the outer end of the spout taught by Holzner et al. The motivation to combine is a rupturable membrane is known in the art.

In regards to claim 39, Lintvedt et al. and Joseph et al.'39 do explicitly teach that the spraying apparatus is adapted to rupture the membrane, however, Holzner et al. teaches that such limitation of the spraying apparatus is adapted to rupture the membrane (column 1, lines 22-25) is old and well known. Therefore, it would have been obvious at the time of the invention to a person having ordinary skill in the art to modify the apparatus of Lintvedt et al. and Joseph et al.'39 with the spraying apparatus is adapted to rupture the membrane taught by Holzner et al. The motivation to combine is a rupturable membrane is known in the art.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Birkenmaier et al. (US Pat No 1,703,384 A) discloses a spray gun with a reservoir.

Cunningham et al. (US Pat No 2,051,518) discloses a spray gun with a reservoir.

Wegener et al. (US Pat No 2,228,861 A) discloses a spray gun with a reservoir.

Devey et al. (US Pat No 4,951,875 A) discloses a paint pot with a liner.

Kieffer et al. (US Pat No 5,655,714) discloses a spray gun with a reservoir.

Chang et al. (US Pat No 6,053,429) discloses a paint pot/reservoir.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven M. Cernoch whose telephone number is (571) 270-3540. The examiner can normally be reached on M-T, 730-5, F1 -Off, F2 730-5 (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Cheng can be reached on (571) 272-4433. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SMC
8/28/2007



JOE H. CHENG
SUPERVISORY PATENT EXAMINER